IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WA.No. 114 of 2001()

AGAINST THE JUDGEMENT IN OP.29817/1999
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APPELLANT:
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1. UNION OF INDIA, REP, BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI.

2. DIRECTOR GENERAL, BORDER SECURITY FORCE, BLOCK NO.10, C.G.O. COMPLEX, LODHI ROAD P.O., NEW DELHI

3. THE COMMANDANT 13 BN BSF, FATIKCHERA, SALBAGAN P.O., TRIPURA WEST DISTRICT, TRIPURA 799 012

BY ADV. SRI.THOMAS KOSHY, ADDL.CGSC
M.D.SASIKUMAR
P.J.JOSEPH
GEORGE MATHEW
SRI. AJITH KRISHNAN, ADDL.CGSC

RESPONDENTS:

SIBICHAN JOSEPH, S/O K.V. JOSEPH, AGED 32 YEARS, RESIDING IN KODALIPARAMBIL HOUSE, KARUVATTA NORTH P.O., ALAPPUZHA, KERALA – 690 554

BY ADV. SRI.K.S.HARIHARAPUTHRAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ

W.A. 114/2001

Dated this the 7th day of August, 2007

JUDGMENT

Radhakrishnan, J.

When the matter came up for hearing, it was submitted that this matter could be closed in favour of the appellant placing reliance on the decision of the Apex Court reported in **Raj Kumar and Others v. Union of India and Another (2006 (1) SCC 737).** Reference was made to Paragraph 17 of the judgment and stated that the respondent would fall in category B, referred therein. If that be so, it is for the authorities to examine as to whether the respondent could be fit in, in any category for re-induction. The third respondent would consider the same and pass appropriate orders.

Appeal is allowed. Judgment of the learned Single Judge in O.P.29817/1999 is, therefore, set aside.

K.S.RADHAKRISHNAN
Judge

V.K.MOHANAN
Judge

mrcs